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CRIME PREVENTION AND CRIMINAL JUSTICE

Cuba: draft resolution

# Measures for prevention of the smuggling of aliens by sea

The General Assembly,

Recalling its resolution 48/102 of 20 December 1993 in which, inter alia, it condemns the practice of smuggling aliens and urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens,

Recalling also Economic and Social Council resolutions 1994/14 of 25 July 1994 and 1995/10 of 24 July 1995,

Recalling also resolution A.773(18) of the Assembly of the International Maritime Organization, of 4 November 1993, concerning enhancement of safety of life at sea by the prevention and suppression of unsafe practices associated with alien smuggling by ships, which expresses great concern at incidents involving the smuggling of aliens on board ships and the serious problems associated with such activities for safety of life at sea,

Concerned at the increasing activities of criminals and criminal organizations that profit illicitly by smuggling human beings, preying on the dignity and lives of migrants and adding to the complexity of the phenomenon of increasing international migration,

Recognizing that international criminal groups often convince individuals to migrate illegally by various means for enormous profits and use the proceeds from smuggling human beings to finance other criminal activities,

Recognizing also that socio-economic factors influence the problem of the smuggling of aliens and also contribute to the complexity of current international migration,

Reaffirming respect for the sovereignty and territorial integrity of all States, including their right to control their own borders,

Concerned that the smuggling of aliens undermines public confidence in policies and procedures for immigration and for the protection of refugees,

Taking into account the efforts of the Office of the United Nations High Commissioner for Refugees, the International Organization for Migration and the International Maritime Organization in responding to the requests from States for assistance in dealing with the smuggling of aliens,

Emphasizing the importance of international cooperation and, in particular, the need for States to cooperate urgently at the bilateral and multilateral levels, as appropriate, to thwart these activities,

1. Condemns the practice of smuggling aliens in violation of international and national law or other agreements between States and without regard for the safety, well-being and human rights of the migrants;

2. Urges States to take appropriate steps to frustrate the objectives and activities of smugglers of aliens and thus to protect would-be migrants from exploitation and loss of life, inter alia, by amending criminal laws, if necessary, to encompass the smuggling of aliens and by establishing or improving procedures to permit the ready discovery of false travel documents supplied by smugglers;

3. Requests States to share information, coordinate their law-enforcement activities, and cooperate to prevent the illegal transport by smugglers of third-country nationals by sea;

4. Also requests States to cooperate to ensure the stricter application of the law by making laws and regulations on travel documents stricter, enhancing the control of borders, improving the requirements for registration of vessels, and applying the relevant international agreements;

5. Requests States to cooperate in the interest of safety of life at sea, to increase their efforts to prevent the smuggling of aliens, and to ensure that prompt and effective action is taken against the smuggling of aliens by ship;

6. Calls upon Member States and relevant specialized agencies and international organizations to take into account socio-economic factors and to cooperate at the bilateral and multilateral levels in addressing all aspects of the problem of the smuggling of aliens;

7. Emphasizes that international efforts to prevent the smuggling of aliens should not inhibit legal migration or freedom of travel or undercut the protection provided by international refugee law;

8. Requests the Commission on Crime Prevention and Criminal Justice to give special attention to the question of the smuggling of aliens at its sixth session, to be held in 1997, in order to encourage international cooperation to address this problem within the framework of its mandate;

9. Requests the Secretary-General to transmit the text of the present resolution to all Member States and to relevant specialized agencies and intergovernmental organizations;

10. Invites Member States and relevant specialized agencies and intergovernmental organizations which have not done so to report to the Secretary-General on the measures they have taken to combat the smuggling of aliens;

11. Requests the Secretary-General to report to the General Assembly on the measures taken by States, specialized agencies and intergovernmental organizations to combat the smuggling of aliens, and decides to consider this question at its fifty-second session under the item entitled "Crime prevention and criminal justice".

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